

# City Council Agenda Item Memo

**From:** Mike Struck, Community Development Director

**Council Meeting:** May 13 / May 27, 2025

**Subject:** Ordinance 25-008: Amending Chapter 94, Article IV, Division 2, pertaining to Section 94-165 Commercial Corridor Design Review Overlay district.

**Person(s) Responsible:** Mike Struck, Community Development Director

## **Summary and Recommended Action:**

Staff is proposing amendments to the City's zoning ordinances located in Chapter 94, Article IV, Division 2, pertaining to Section 94-165 related to the regulations for the Commercial Corridor Design Review Overlay District. The Development Review Team recommends approval. The Planning Commission voted 6-0 to recommend approval.

## **Item Details:**

The Overlay District was established in 2021 and has guided City staff, the Planning Commission, and City Council in their reviews of development located within the districts along 6<sup>th</sup> Street, Main Avenue, 20<sup>th</sup> Street South and 22<sup>nd</sup> Avenue. Recently, there has been a desire to allow for an administrative review if the proposed development meets all of the requirements in the Overlay District ordinance. Plans which do not meet all of the requirements of the Overlay District will need to seek exceptions from the Planning Commission and City Council utilizing the current review process.

In order to help staff and developers understand whether or not exceptions will be necessary for a proposed development, staff has also made a number of changes to the Overlay District ordinance in order to clarify the intent of the ordinance and remove subjectivity in certain sections of the code. An exemption for developments located with a Planned Development District (PDD) has been removed and a companion ordinance amendment to Section 94-163 will be also be presented in order to understand the development process for PDDs located within the Overlay District. The name of the Overlay District is also being shortened to the Commercial Corridor Overlay District.

The City Council held a public hearing on the proposed changes on October 8, 2024. One of the public comments on the ordinance concerned the applicability of the ordinance to renovations exceeding 50 percent of the equalized assessed value of the structure at the time of reconstruction/renovation. The public comment centered around the issue of an interior renovation cost could exceed the 50% threshold, thus requiring

exterior improvements that were not planned and could jeopardize the project due to cost factors. Staff proposes to leave the language as presented and the applicant can ask for an exception to the commercial corridor standards as there could be an opportunity to bring a structure into conformance with the commercial corridor standards.

The motion to approve the ordinance failed on a 6-0 vote. The City Council held a Study Session on February 18, 2025 to discuss overlay districts in more detail and asked to revisit the Commercial Corridor Overlay proposed changes at a future date.

**Legal Consideration:**

City Attorney has reviewed the proposed changes and determined the City Council can start the ordinance amendment process as the changes were previously recommended for approval by the Planning Commission on September 3, 2024 and no changes have occurred since the Planning Commission's recommendation.

**Strategic Plan Consideration:**

Economic Growth – The City of Brookings will support effective diversified community investment and equitable opportunities for prosperity.

**Financial Consideration:**

None.

**Supporting Documentation:**

Ordinance – clean

Ordinance – marked

Hearing Notice – City Council

Hearing Notice – Planning Commission

Planning Commission Minutes